

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA(1) Brian C. Moore AJ-0701 :

(Name of Plaintiff) (Inmate Number) :

STATE CORRECTIONAL INSTITUTION AT SMITHFIELD: :
P.O. Box 999, 1120 PIKE STREET HUNTINGDON PA 16652: :
(Address) :(2) _____ :
(Name of Plaintiff) (Inmate Number) :

(Address) _____ :

(Each named party must be numbered,
and all names must be printed or typed) :

vs. :

CIVIL COMPLAINT

(1) Angela D. Mann _____ :(2) Renee Foulds _____ :(3) Remaining defendants on last page _____ :
(Names of Defendants) :(Each named party must be numbered,
and all names must be printed or typed) :FILED
SCRANTON
NOV 13 2013PER [Signature]
DEPUTY CLERKTO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

Plaintiff filed a civil suit in Federal Court (Western District)
12 years ago. He does not recall the caption or case number.

Continued from first page - Names of Defendants.

Page - 2

3. Officer Herring
 4. Officer Bryner
 5. Sergeant Zamboni
 6. David A. Varano
 7. Lieutenant Long
 8. John E. Wetzel,
- "individually and in their
official capacities."
Defendants

FILED
SCRANTON

NOV 13 2013

PER

DEPUTY CLERK

Continued from page - 2 Addresses of defendants

- 3 Officer Herring, Employed as Correctional Officer at S.C.I.-Coal Township.
Mailing Address S.C.I.-Coal Township, 1 Kelley Drive, Coal Township, PA 17866-1021.
4. Officer Bryner Employed as Correctional Officer at S.C.I.-Coal Township.
Mailing Address S.C.I.-Coal Township, 1 Kelley Drive, Coal Township PA 17866-1021.
- 5 Sergeant Zamboni Employed as Correctional Officer at S.C.I.-Coal Township.
Mailing Address S.C.I.-Coal Township 1 Kelley Drive Coal Township, PA 17866-1021.
- 6 David A. Varano Employed as Superintendent at S.C.I.-Coal Township.
Mailing Address S.C.I.-Coal Township, 1 Kelley Drive, Coal Township PA 17866-1021.
- 7 Lieutenant Long Employed as Security Lieutenant at S.C.I.-Coal Township.
Mailing Address S.C.I.-Coal Township, 1 Kelley Drive, Coal Township, PA 17866-1021
- 8 John E. Wetzel Employed as Secretary of Corrections - his mailing address
1920 Technology Parkway, Mechanicsburg, PA 17050.

Continued from page - 3 Statement of Claim

4. Defendants Officer Herring and Angela B. Mann told inmates and staff members at S.C.I.-Coal Township plaintiff Moore was a homosexual, snitch and pedophile in 2011-2012.
5. As a result of defendants behavior plaintiff Moore has been threatened with bodily harm from other inmates at S.C.I.-Coal Township in 2011-2012.
6. On November 14 2011 Plaintiff Moore witnessed an inmate and defendant Mann engaging in sexual activities on B-2 UNIT at S.C.I.-Coal Township in defendant Mann's office.
7. On November 14 2011 defendant Mann wrote a misconduct report on

Plaintiff MOORE for sexual Harassment for an incident that took place in defendant Mann's Office on B-2 Unit at S.C.I.-Coal Township.

8. Staff members at S.C.I.-Coal Township regularly gave plaintiff Moore's personal and legal mail to other inmates in 2011-2012, (Sergeant Zamboni)
9. On or about September 2011 defendant Mann told Officer Spade "Inmate Moore has an attitude problem."
10. Plaintiff Moore expressed his concerns about the behavior of defendants Mann, Herring, Bryner and Sergeant Zamboni to defendant Renee Foulds (Unit Manager) around September 2011 at S.C.I.-Coal Township.
11. Defendant Foulds did nothing on plaintiff Moore's behalf.
12. Defendants Herring, Bryner, Sergeant Zamboni and Renee Foulds knew defendant Mann was engaging in sexual activities with inmates and did nothing to stop it in 2011 at S.C.I.-Coal Township.
13. Upon information and belief defendant Angela D. Mann was observed having oral sex with defendant Herring in her office on B-2 Unit during the 6 a.m. - 2 p.m. shift at S.C.I.-Coal Township in 2011.
14. Plaintiff again observed defendant Mann engaging in sexual activities with another inmate in her office on B-2 Unit at S.C.I.-Coal Township around Sept-Oct of 2011 during the 6 a.m. - 2 p.m. shift.

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes:
1. What steps did you take? Filed A grievance while housed AT S.C.I.-Coal Township in 2011. See grievance # 401780
 2. What was the result? GRIEVANCE AND ALL APPEALS WERE DENIED
- D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS

- (1) Name of first defendant: Angela D. Mann
- Employed as Counselor at S.C.I.-Coal Township
 Mailing address: 1 Kelley Drive Coal Township, PA 17866-1021
- (2) Name of second defendant: Renee Foulds
- Employed as Unit Manager at S.C.I.-Coal Township
 Mailing address: 1 Kelly Drive Coal Township PA 17866-1021
- (3) Name of third defendant: Remaining Address on last page.
- Employed as _____ at _____
 Mailing address: _____

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. Approximately in August 2011, Plaintiff Moore observed an inmate avidly masturbating in defendant Mann's office (in her presence) on B-2 unit during the 2 p.m. - 10 p.m. shift

AT S. C. I - Coal Township.

2. On or about August/September 2011 defendant Mann began discussing the details of plaintiff Moore's criminal case with other inmates and staff members at S.C.I - Coal Township.
3. On or about September/October 2011 defendant Mann told Officer Herring and other inmates that plaintiff Moore "was out of his mind, a child rapist who belongs in a psychiatric hospital" this happened at S.C.I - Coal Township.
Statement of Claims continued on last two pages.

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. GRANT A declaration that the acts and omissions described herein violated plaintiff Moore's rights.
2. Order a preliminary Injunction compelling defendants to stop calling plaintiff Moore a snitch, homosexual and pedophile. Also for defendants to stop telling inmates and staff members details of plaintiff Moore's criminal case.
3. Prevent computer access of personal information of inmates to staff members who do not need to know.
4. Transfer plaintiff Moore to an institution closer to his home.

- Case 3:13-cv-02771-MCC Document 1 Filed 11/12/13 Page 5 of 8
5. ISSUE A DECLARATION THAT PLAINTIFF MOORE BE GIVEN A PRISON Job earning \$4.42 CENTS AN HOUR FOR 8 hrs a day - A Job which is NOT physically STRENUOUS.
 6. Drop PLAINTIFF Moore's level TO A - 2M STATUS.
 7. ORDER SECRETARY OF CORRECTIONS John E. Wetzel TO RE-TRAIN all defendants mentioned in this complaint.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 7th day of November, 2013

Brian C. Moore
(Signature of Plaintiff)

8. GRANT COMPENSATORY AND PUNITIVE DAMAGES in the following amount:
 - A. \$5,000 against defendant Angela D. Mann
 - B. \$5,000 against defendant Renee Foulks
 - C. \$5,000 against defendant Sergeant Zamboni
 - D. \$5,000 against defendant Officer Beyner
 - E. \$5,000 against defendant Officer Herring
 - F. \$5,000 against defendant David A. Varano
 - G. \$5,000 against defendant Lieutenant Long
 - H. \$5,000 against defendant John E. Wetzel
9. GRANT such other relief as to which plaintiff is entitled to:

MR. BRIAN C. MOORE AJ-0701
STATE CORRECTIONAL INSTITUTION AT
SMITHFIELD P.O. BOX 999,
1120 PIKE ST. HUNTINGDON PA 16652

U.S. DISTRICT COURT for the
Middle District of Pennsylvania
William J. Nealon Federal Building and Courthouse
235 N. Washington Ave.
P.O. Box 1148
SCRANTON, PA 18501

DEAR CLERK OF COURTS

I am having difficulties in obtaining the correct number of copies of my complaint and summons to serve on defendants because I have no money at this time. However my statute of limitations is up on November 14 2013 - that will be two years since I suffered injury.

Will you please accept this one copy of the Complaint, Summons and In Forma Pauperis so my statute of limitations will not run out and if necessary I will painstakingly produce any remaining copies needed.
Please Advise.

Sincerely

Brian C. Moore

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Brian C. Moore
Plaintiff

SUMMONS

Civil Action No. _____

v

Angela D. Mann, Renee Foulds, *Sergeant Zamboni*
Officer Herring, Officer Bryner,
Lieutenant Long, David A. Varano
and John E. Wetzel, individually
and in their official capacities,
Defendants

TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned and required to serve upon plaintiff, whose address is State Correctional Institution at Smithfield, P.O. Box 999, 1120 Pike Street, Huntingdon, PA 16652 an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service, or 60 days if the U.S. Government or officer/agent thereof is a defendant. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Clerk of the Court

Date _____